

Zoning Board of Adjustments



May 21, 2012

Regular Business Meeting



Wylie Zoning Board of Adjustment NOTICE OF MEETING

Regular Meeting Agenda Monday, May 21, 2012 – 7:00 pm Wylie Municipal Complex – Council Conference Room 300-100 Country Club

Bill BaumbachChair
Kelly Price..... Vice-Chair
F. Darnell Harris Board Member
Linda Jourdan Board Member
Karyn McGinnis..... Board Member
Jason Potts Alternate Board Member
Bryan Rogers..... Alternate Board Member

Renaé Ollie.....Planning Director
Charles Lee..... Senior Planner
Jasen Haskins Assistant Planner
Mary Bradley..... Administrative Assistant

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Chair and Board Members request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the room to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020 or TD 972.442.8170.

CALL TO ORDER

Announce the presence of a Quorum.

CONSENT AGENDA

1. Consider and act upon approval of the Minutes of the April 16, 2012 Meeting.
-

AGENDA

Public Hearing

1. Hold a public hearing to consider and act upon a request by **Wylie ISD** for a Variance to Section 3.1 A (3) Development Standards of the Zoning Ordinance for A/30 zoned properties requiring a minimum 50 feet front yard setback, property located at 3000 Wylie East Drive, being Lot 1, Block A of the Wylie East high school Addition. **ZBA 2012-06**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 18th day of May, 2012 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Carole Ehrlich, City Secretary

Date Notice Removed

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Wylie Zoning Board of Adjustment

Minutes

Zoning Board of Adjustment
Monday, April 16, 2012 – 7:00 pm
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building 100

CALL TO ORDER

Chair Bill Baumbach called the meeting to order at 7:06 p.m. and stated that a quorum was present. Board Members present were; Board Member Jason Potts, Board Member Bryan Rogers, Board Member Linda Jourdan, and Board Member Darnell Harris.

Staff members present were: Jasen Haskins, Assistant Planner, and Mary Bradley, Administrative Assistant.

CONSENT ITEMS

1. Consider and act upon approval of the Minutes of the March 26, 2012 Meeting.

A motion was made by Board Member Harris, and seconded by Board Member Rogers, to approve the Minutes from the March 26, 2012 Meeting as submitted. Motion carried 5 – 0.

PUBLIC HEARINGS

1. Hold a public hearing to consider and act upon a request by **William Dauria** for a Variance to Section 5.J.4.e(4) of the Zoning Ordinance requiring that all outside merchandise be under a covered sidewalk or screened from view of a public street, property located at 207 Industrial Court, being Lot 4 of the Railroad Industrial Park Addition. **(ZBA 2012-03)**.

Mr. Haskins stated that the property is located at 207 Industrial Court, being Lot 4 of the Railroad Industrial Park Addition. The applicant is displaying several motorcycles on a sidewalk on the east side of the structure. The east side is the rear of the building, which faces State Highway 78.

The Zoning Ordinance Section 5.J.4.e(3) states “Any outside display areas not located on a covered sidewalk must be screened from view of adjacent roadways, public areas and adjacent properties.” The applicant must either cover the display area with awning or some kind of permanent attached structure; or screen the merchandise from view of a public street.

The owner of the building, Sam Satterwhite, Director, Wylie Economic Development Corporation, would prefer not to add the covering, as tentative plans to redevelop the area which may result in the removal of the building.

Notification Responses were mailed to fifteen property owners, with one returned in favor of the request, and none in opposition.

Chairman Baumbach opened the Public Hearing.

Mr. Sam Satterwhite, Director, Wylie Economic Development Corporation, stated that the intent for Industrial Court is to redevelop from south of Wylie Printing, all the way to ManMade on both sides of Industrial Court. The Wylie Economic Development Corporation controls all except one of those properties, in which negotiation is in the process for that one remaining piece of property. The goal for Industrial Court is to connect Williams Street to the south of State Highway 78, and connect to Cooper Drive to the west.

Mr. Satterwhite stated that the support for the request is a temporary solution. The tenant/applicant has occupied the facility for approximately four months. The lease contract is ninety days written notice to vacate. The uses within the property that is owned by the Wylie Economic Development are mostly office/warehouse or personal service uses, the applicant/tenant is the only retail use.

The Board Members expressed concern on the outside merchandise, the time of day that it is displayed, and the possible redevelopment of Industrial Court. Mr. Haskins reminded the Board Members that stipulations may be included with a motion.

A motion was made by Board Member Harris, and seconded by Board Member Rogers, to Grant the request to allow outside merchandise without screening from Section 5.J.4.e(4) of the Zoning Ordinance requiring that all outside merchandise be under a covered sidewalk or screened from view of a public street, with the following stipulations; **the request is for Superbikes for one year, and that the merchandise is only outside during business hours.** The property is located at 207 Industrial Court, being Lot 4, of the Railroad Industrial Park Addition. Motion carried 5 – 0.

2. Hold a public hearing to consider and act upon a request by **Stephan Foster** for a Variance to Section 4.F.1.a(1) of the Zoning Ordinance requiring the building materials for commercial structures within a Light Industrial District (LI) to be masonry with 20% stone on the facade, property located at 22 Steel Road in the Steel Industrial Park Addition, Lot 6 Block A (**ZBA 2012-04**).

Mr. Haskins stated that the subject property is located at 22 Steel Road, and the applicant is Mr. Stephen Foster. The property is currently legally non-conforming, by not meeting the requirement for masonry product with at least 20 percent stone on the front façade. The structure is a steel building and was constructed in 1985. Due to change of Certificate of Occupancy (CO) for a Personal Service Use, Gym, which is different from current Office/Warehouse Use; the structure must conform to current standards.

Notification comment forms were mailed to twelve property owners. Three comment forms were returned all in favor of the request.

Chairman Baumbach opened the Public Hearing.

Mr. Stephen Foster, P. O. Box 1056, Granbury, Texas 76048, stated that he has owned the subject property for the last six years. Mr. Foster has spoken to several masonry companies on updating the building with masonry product, and is unable to get an engineer to sign off on adding the masonry on a steel structure. Due to no brick ledge, and to add one the internal walls would be required to be removed. If a masonry product is added to the existing building, the structure would not be safe or have major issues years down the road.

Mr. Foster offered to improve the landscaping and remove air conditioner unit on the front of the building. Board Member Harris questioned how long the owner had tried to get a tenant in the building. Mr. Foster stated that off and on for the last five years, one of the three buildings has been empty.

Board Member Potts recommended a wainscot. Board Member Rogers explained that adding masonry product to a steel structure would require brick ties. The brick tie is actually a flat piece of metal that is screwed into the metal building, and bent to go into the mortar of the brick, located sixteen to eighteen inch on center and moved up the building. Where it attaches to the building even a wainscot, if a strong wind came by, the brick would fall outward, not inside the building. A steel structure does not have a foundation to attach the brick wainscot. Board Member Rogers recommended a time constraint on the building, grant the variance with stipulation that in three to five years to update the building to current code.

Mr. Brian Johnson, 840 Crestview, spoke in favor of a five year stipulation to bring the building up to code with a wainscot masonry product.

Chairman Baumbach closed the Public Hearing.

Board Members Rogers and Harris both agreed to grant the variance with stipulation for a time restraint to add the masonry product. Chairman Baumbach spoke in approval of time restraint to add a wainscot in two years.

A motion was made by Board Member Harris, and seconded by Board Member Rogers to Grant the variance with stipulation to discuss further the feasibility of adding wainscot or a masonry product be added after five years. Motion failed 3 – 2, with Board Member Jourdan and Chairman Baumbach voting in opposition.

A motion was made by Board Member Rogers, and seconded Board Member Harris, to Grant the variance with stipulation to discuss further the feasibility of adding wainscot or a masonry product be added after four years. Motion failed 3 – 2, with Board Member Jourdan and Chairman Baumbach voting in opposition.

A motion was made by Board Member Rogers, and seconded by Board Member Harris, to Grant the variance with stipulation to discuss further the feasibility of adding wainscot or a masonry product be added after 30 months. Motion carried 4 -1, with Board Member Jourdan voting in opposition.

3. Hold a public hearing to consider and act upon a request by **Brian Johnson** for a Variance to Section 3.F.12.a(2) of the Zoning Ordinance requiring residential fences to be constructed with metal posts, property located at 840 Crestview in the Stone Ridge Farms Phase I Addition, Lot 2 Block D (**ZBA 2012-05**).

Mr. Haskins stated that the subject property is located at 840 Crestview, and the applicant Mr. Brian Johnson started installing wooden posts for a wooden fence without a permit.

In 2005, North Texas had a termite infestation and the Ordinance was revised to alleviate any maintenance issues for a fence with wooden posts. Therefore, metal post are required. The Zoning Ordinance does not require a fence to be constructed, but if a fence is constructed, the requirements to construct a fence shall be permitted to a height of eight feet maximum and constructed of wood with metal posts and rails to the inside.

Public Comment forms were mailed to fourteen property owners, and two responses were received in favor of the request and none in opposition.

Chairman Baumbach opened the Public Hearing.

Mr. Johnson, applicant, 840 Crestview, stated that they relocated from Plano, and the fence was half chain link and half wooden. The property is one acre and desired to improve the property with a matching fence surrounding the back and side of the property. The proposed fence is wooden cedar fence with six foot cedars on the side and eight foot cedars on the back. All the posts are mounted and two and half feet deep. The maintenance of a fence is about thirteen to fifteen years, and then it is time to replace it.

Chairman Baumbach closed the Public Hearing.

A motion was made by Board Member Jourdan, and seconded by Board Member Rogers, to Grant the Variance to Section 3.F.12.a(2) of the Zoning Ordinance to allow residential fence with wooden posts. The property is located at 840 Crestview, Lot 2, Block D of the Stone Ridge Farms Phase I Addition. Motion carried 5 – 0.

MISCELLANEOUS

Ms. Bradley stated that there will be a meeting on May 21, 2012.

ADJOURNMENT

A motion was made by Board Member Rogers, and seconded by Board Member Harris, all Board Members were in consensus, and the meeting adjourned at 8:26p.m.

Bill Baumbach, Chair

ATTEST:

Mary Bradley, Secretary

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Wylie Zoning Board of Adjustment

AGENDA REPORT

Meeting Date:	<u>May 21, 2012</u>	Item Number:	<u>1</u>
Department:	<u>Planning</u>	Case Number:	<u>ZBA 2012-06</u>
Prepared By:	<u>Jasen Haskins</u>	Project Location:	<u>3000 Wylie East Drive</u> <u>Wylie East High School</u> <u>Addition, Lot 1, Block A</u>
Date Prepared:	<u>May 14, 2012</u>	Subdivision Name:	<u>Location Map, Site Layout,</u> <u>Notification List and Map</u> <u>with Responses</u>
		Exhibits:	

Subject

Hold a public hearing to consider and act upon a request by Wylie ISD for a Variance to Section 3.1 A (3) Development Standards of the Zoning Ordinance for A/30 zoned properties requiring a minimum 50 feet front yard setback, property located at 3000 Wylie East Drive, being Lot 1, Block A of the Wylie East high school Addition. **ZBA 2012-06**

Discussion

Applicant: Robert Graham

Owner: Wylie Independent School District

The applicant is requesting a variance to Section 3.1.A (3) Development Standards for AG/30 zoned properties. That requires a 50' front yard setback. The purpose of the setback is to ensure adequate spacing between structures. Industrial and agricultural uses in commercial districts require greater setbacks than residential zoned districts.

The applicant has stated that the reason for the request is to allow for an addition on the front of the building. This addition is part of a planned phase II expansion that was noted on the original Site Plan approved in 2007.

The applicant has provided a site exhibit reflecting the existing constraints on the property. A hardship could exist due to the zoning of the property as AG/30. Schools are allowed within any zoned property in the City and are not usually required to rezone prior to building. Had the property been zoned commercial or residential then the setback would be 25' and a variance would not be required. The applicant is proposing to construction the facade of the new addition 35'-6" from the west property line.

Public comment forms were mailed to twenty-two (22) property owners within 200 feet of this request, as required by State Law. At the time of this posting one response was received against the proposed variance.

The Board shall not grant a variance to the development code which:

- (1) Permits a land use not allowed in the zoning district in which the property is located; or
- (2) Is in the public right-of-way or on public property; or
- (3) Alters any definition of the development code; or
- (4) Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the development code; or
- (5) Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the development code;

or

(6) Is based exclusively on findings of personal or financial hardship.

In order to grant a variance to the development code the Board shall find that all the following have been satisfied:

- (1) That there are unique physical circumstances or conditions of the lot, or other exceptional physical condition particular to the affected property;
- (2) That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the development code;
- (3) That due to such unique physical circumstances or conditions, the strict application of the development code would create a demonstrated hardship;
- (4) That the demonstrable hardship is not self-imposed;
- (5) That the variance if granted will not adversely affect the proposed development or use of adjacent property or neighborhood;
- (6) That the variance, if granted will not change the character of the zoning district in which the property is located;
- (7) That the variance, if granted is in keeping with the intent of the development code; and
- (8) That the variance, if granted will not adversely affect the health, safety or welfare of the citizens of Wylie.

Approved By

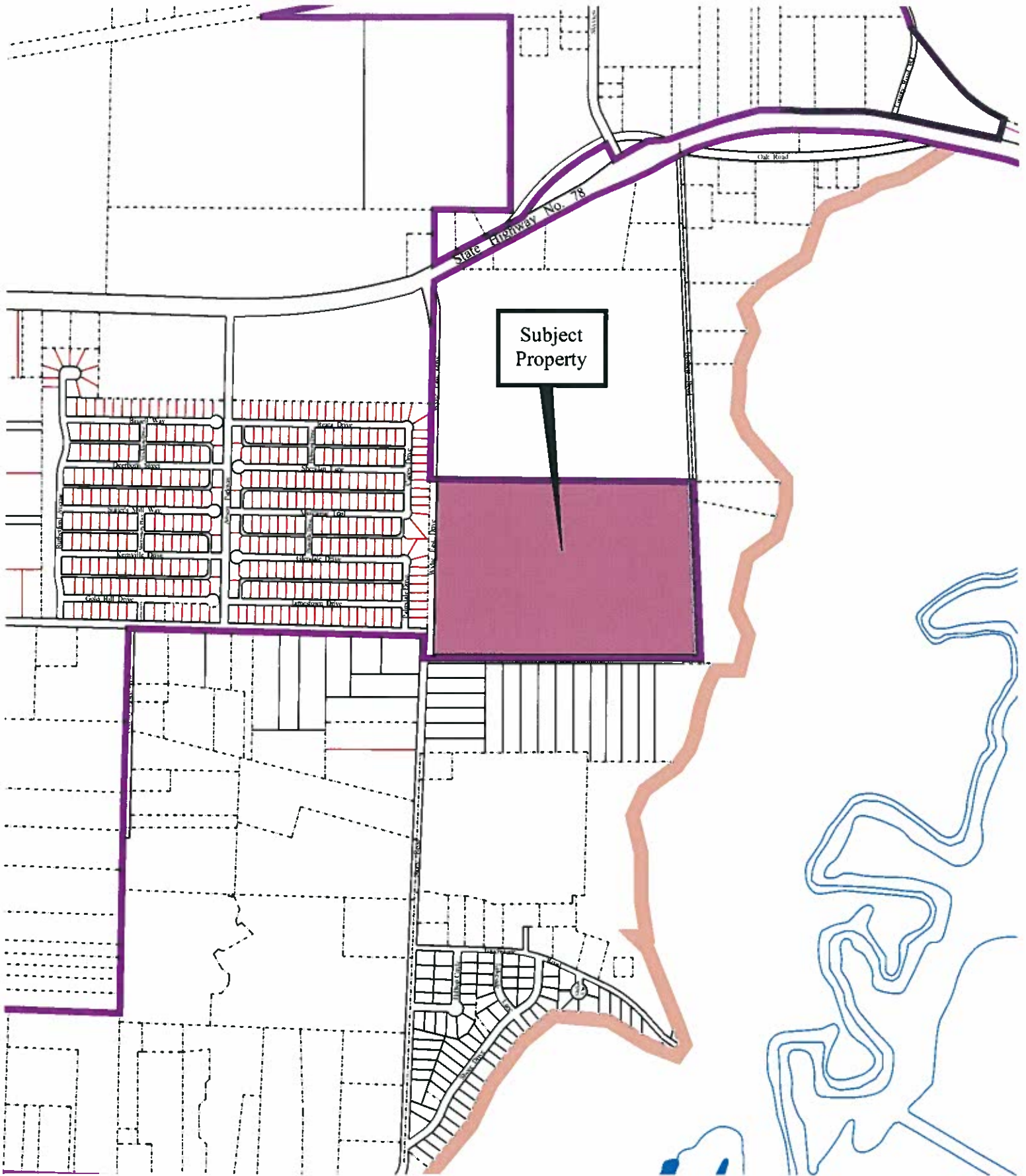
Department Director

Initial

RO

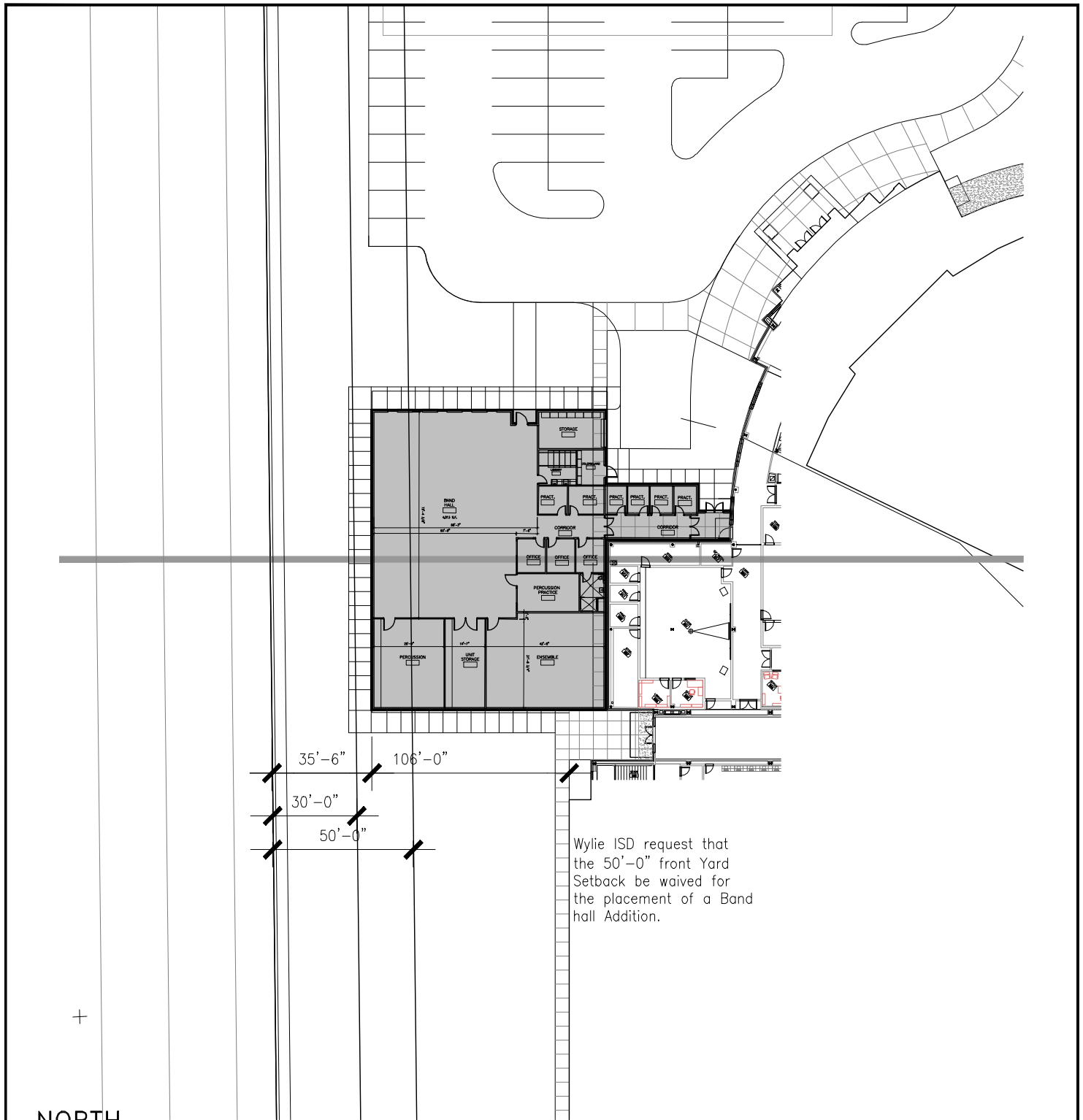
Date

05/15/12



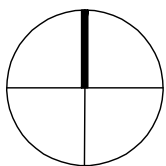
LOCATION MAP
ZBA CASE #2012-06





Wylie ISD request that the 50'-0" front Yard Setback be waived for the placement of a Band hall Addition.

NORTH



01 WYLIE H.S.2 SITE PLAN

SCALE: 1"=60'

"THESE DOCUMENTS ARE INCOMPLETE AND FOR INTERIM REVIEW ONLY. THEY ARE NOT TO BE USED FOR REGULATORY APPROVAL, PERMIT OR CONSTRUCTION"
ARCHITECT NAME: FEDERICO B. MONTES JR.

PBK Architects, Inc.



Stanford Centre
14001 N. Dallas Parkway
Suite 400
Dallas, Texas 75240
972.233.1323

WYLIE HIGH SCHOOL

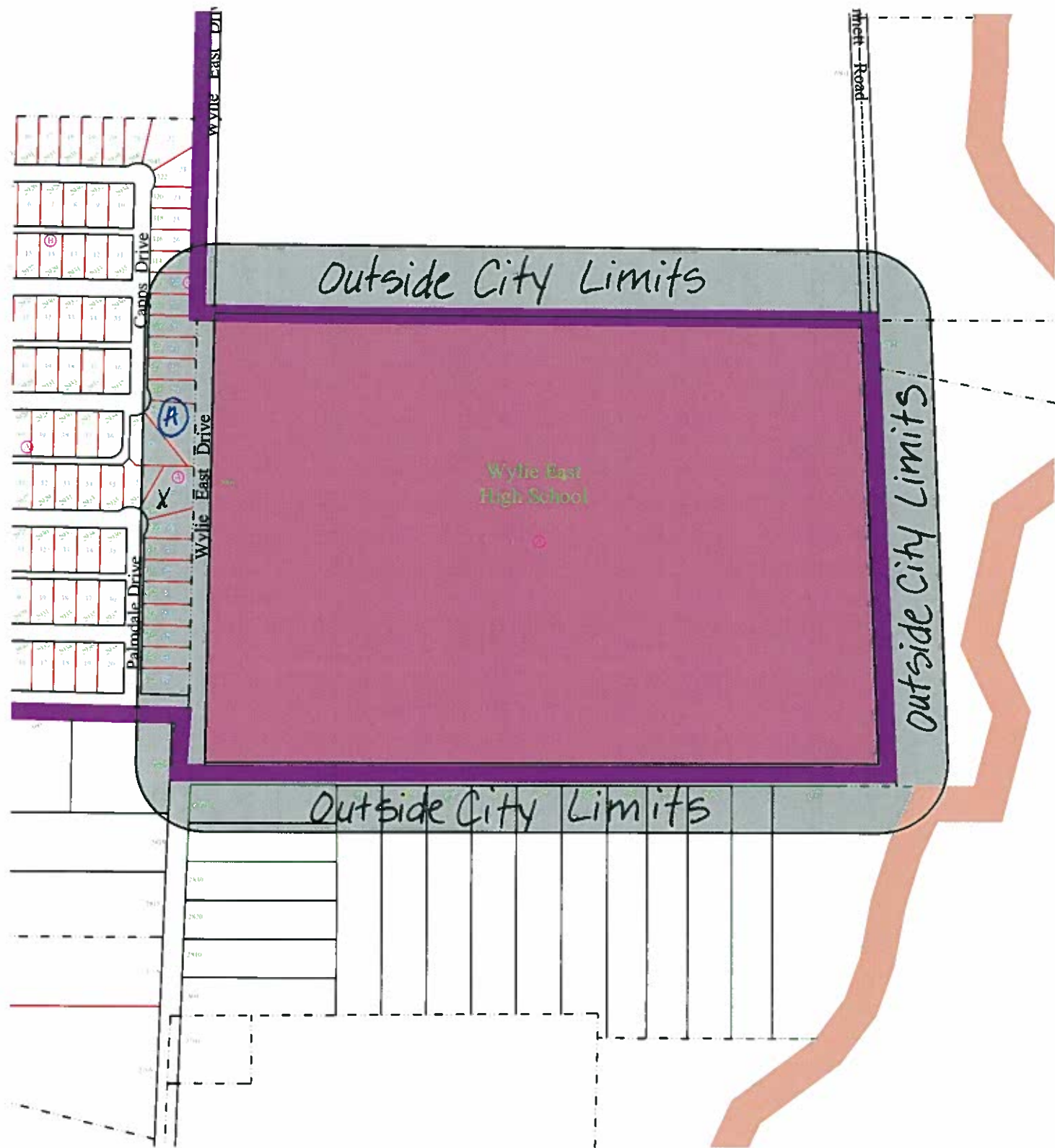
Wylie Independent School District

PBK Proj: 9999-96

Date: 05/01/12

Sketch: ---

Sketch #: ASK-01



OWNER NOTIFICATION MAP
ZBA CASE #2012-06

NOTIFICATION REPORT

APPLICANT: Robert Graham
 14001 N. Dallas Parkway Dallas, Tx 75244
 APPLICATION FILE 2012-06

#	BLK/ABST	LOT/TRACT	TAX I.D. #	PROPERTY OWNER NAME	ADDRESS
1				Applicant Robert Graham	14001 N. Dallas Parkway Dallas, Texas 75244
2	Blk A	Cinarron Estates Lot 26	R-8143-00A-0260-1	Thomas Philip	1702 Buckthorne Drive Allen, Texas 75002-2659
3	Blk A	Cinarron Estates 27	R-8143-00A-0270-1	Jennifer Swartz	314 Capps Drive Wylie, Texas 75098
4	Blk A	Cinarron Estates 28	R-8143-00A-0280-1	Julie Moore	312 Capps Drive Wylie, Texas 75098
5	Blk A	Cinarron Estates 29	R-8143-00A-0290-1	Reynaldo Lopez	310 Capps Drive Wylie, Texas 75098
6	Blk A	Cinarron Estates 30	R-8143-00A-0300-1	Cory Renfro	308 Capps Drive Wylie, Texas 75098
7	Blk A	Cinarron Estates 31	R-8143-00A-0310-1	Bernice Wery	306 Capps Drive Wylie, Texas 75098
8	Blk A	Cinarron Estates 32	R-8143-00A-0320-1	Diana Jemes	304 Capps Drive Wylie, Texas 75098
9	Blk A	Cinarron Estates 33	R-8143-00A-0330-1	Julie Wray	302 Capps Drive Wylie, Texas 75098
10	Blk A	Cinarron Estates 34	R-8143-00A-0340-1	Lonny Hutto	300 Capps Drive Wylie, Texas 75098
11	Blk A	Cinarron Estates 35	R-8143-00A-0350-1	Carl Garrison	2936 Montague Trail Wylie, Texas 75098
12	Blk A	Cinarron Estates Lot 56	R-8143-00A-0560-1	Bette Rivera-Lemay	2937 Glendale Drive Wylie, Texas 75098
13	Blk A	Cinarron Estates 57	R-8143-00A-0570-1	Meredith Revier	216 Palmdale Drive Wylie, Texas 75098
14	Blk A	Cinarron Estates 58	R-8143-00A-0580-1	David Harris	214 Palmdale Drive Wylie, Texas 75098
15	Blk A	Cinarron Estates 59	R-8143-00A-0590-1	Junaidd Najamuddin	212 Palmdale Drive Wylie, Texas 75098

X

16	Blk A	Cimarron Estates 60	R-8143-00A-0600-1	Siew Kee Ang	210 Palmdale Drive Wylie, Texas 75098
17	Blk A	Cimarron Estates 61	R-8143-00A-0610-1	Rachel Heath	208 Palmdale Drive Wylie, Texas 75098
18	Blk A	Cimarron Estates 62	R-8143-00A-0620-1	Kevin Resinto	2113 S. 277th Place Federal Way, WA 98003-6954
19	Blk A	Cimarron Estates 63	R-8143-00A-0630-1	Steven Skinner	204 Palmdale Drive Wylie, Texas 75098
20	Blk A	Cimarron Estates 64	R-8143-00A-0640-1	Christopher Benner	202 Palmdale Drive Wylie, Texas 75098
21	Blk A	Cimarron Estates 65	R-8143-00A-0650-1	Stevan Newbold	200 Palmdale Drive Wylie, Texas 75098
22	Blk A	Wylie East HS Addn Lot 1	R-9551-00A-0010-1	Wylie ISD	PO Box 490 Wylie, Texas 75098
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PUBLIC COMMENT FORM

(Please type or use black ink)

Planning Department
300 Country Club Road
Building 100
Wylie, Texas 75098

I am **FOR** the requested variance as explained on the attached public notice for ZBA Case#2012-06.

☒

I am **AGAINST** the requested variance as explained on the attached public notice for ZBA Case#2012-06.

Date, Location & Time of
Planning & Zoning
Commission meeting:

Monday, May 21, 2011, 7:00 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: MEREDITH REVIER
(please print)

Address: 216 PALMONE DR.
WYLIE TX 75098

Signature: Meredith Revier

Date: 5-3-12

COMMENTS:

I am against this due to lack of information
in this notice on what this expansion
will be used for. There is enough noise
from the school as it is.